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1950

Karnatak
B Class

File No. K 141
XI

R&HGBC **DEPARTMENT**

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Subject:—

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Karnatak
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Below a copy of letter No.14(100)/Cus/49, dated the 30th January 1950, from the Government of India, Ministry of Rehabilitation, New Delhi.

No.R.141/13558-B.
Rehabilitation Department.
Bombay Castle(Bombay No.1),8th April 1950.

Forwarded with compliments to:-

The Custodian of Evacuee Property,
The Additional Custodian of Evacuee Property, Bombay,
The Deputy Custodian of Evacuee Property, Bombay,
All other Collectors and Deputy Custodians of Evacuee Property

for information and guidance in continuation of this Department, endorsement No.R.141/39550-B, dated the 6th January 1950.

By order of the Governor of Bombay,

Asstt.(Rehabilitation)
Assistant Secretary to the Government of Bombay,
Rehabilitation Department.

IS.12/6

Copy of letter No.14(100)/Cus/49, dated the 30th January 1950, from the Government of India, Ministry of Rehabilitation, New Delhi.

Subject:- Application of the Evacuee Property Law to foreigners.

I am directed to draw your attention to the Government of India, Ministry of Rehabilitation Letter No. 14(57)Cus/49-II, dated the 28th December 1949, wherein instructions regarding the treatment of certain classes of foreigners vis-a vis the Evacuee Property Law were conveyed. The question of treatment of remaining classes of foreigners has since been considered and the decision of the Government of India is as follows:-

2. While the law makes no distinction between foreigners and Indian nationals, the Government of India, generally speaking, have no intention of applying the Evacuee Property Law to foreigners. This, however, imposes an obligation on the part of foreigners also, that they should not in any way abuse the hospitality offered by India. A person comes under the scope of the Evacuee Property Ordinance if he migrates to the other Dominion, or obtains any benefit from evacuee property in the other Dominion in the manner laid down in section 2(d)-(iii) of Ordinance XXVII of 1949. The property of a person who after the promulgation of Ordinance XXVII of 1949, does any of the acts specified in clause (c) of section 2 of that, thus any of the acts specified in clause of the Ordinance, is also liable to be treated as evacuee property. A foreigner who obtains benefit of evacuee property in Pakistan left by displaced persons now in India, has taken undue advantage of his foreign status, especially as the allotment of evacuee property in Pakistan is, as a rule, made to persons other than original residents of Pakistan, only if they happen to be or declare themselves as displaced persons from India. The application of the Evacuee Property Law in such cases would be justified. Normally there would be no need to apply other provisions of the Indian Evacuee Property Ordinance to foreigners except in cases where it is ascertained that foreigners have afforded cover of their foreign status for subversion of the provisions of the Evacuee Property Ordinance. In such cases also the application of the Evacuee Property would be justified. If the offending foreigners be those who have been enjoying privileges open to Indian nationals (like the right to vote) there would be still a stronger case for the application of the Evacuee Property Law.

3. The views of the Government of India, as above, have already been communicated to the Iranian Embassy who took up with the Government of India the question of the treatment of Iranian nationals. — for Bombay Govt

4. I am to request that the Provincial Governments may on the merits of particular cases apply the Evacuee Property Law to foreign nationals in India in accordance with the decision in para 2 above.